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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,619	10/08/2003	Mei-Yin Shen	N1085-00169	7402
8933	7590	08/12/2004	TSMC2002-114	
DUANE MORRIS, LLP IP DEPARTMENT ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396				
EXAMINER KASENGE, CHARLES R				
ART UNIT		PAPER NUMBER		
2125				

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,619

Applicant(s)

SHEN, MEI-YIN

Examiner

Charles R Kasenge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. U.S. Patent 6,684,121. Lu discloses a system for an integrated manufacturing execution system, MES, that unifies the production data for a manufactured lot that moves from a current production line to different production lines, comprising: a database recording data pertaining to, a manufacturing lot ID, a current MES associated with the lot ID, MES rules and transactions performed to manufacture the lot ID (col. 5 and 6, lines 62-67 and 1-7); a computer of the current production line, the computer communicating with the database and with production line MESs of each of the different production lines to which the lot ID is moved to perform one of the transactions (col. 5, lines 52-61); the database supplying each of the different production lines with the MES rules of the current production line (col. 5 and 6, lines 52-67 and 1-7); the database recording transaction data in the current MES and a memory storing the data recorded by the database(col. 6 and 7, lines 66-67 and 1-4).

Referring to claims 2 and 3, Lu discloses the system as in claim 1 wherein, the database records transaction data from each of the different production lines, the transaction data corresponding to the MES rules of the current MES (col. 5 and 6, lines 62-67 and 1-7). Lu

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discloses the system as in claim 1 wherein, the database records transaction data from each of the different production lines, the transaction data including; track-in, track-out data, and processing data and measurement data, which correspond to the MES rules of the current MES (col. 6, lines 14-36).

Referring to claims 4 and 5, Lu discloses the system as in claim 1, and further comprising: a production computer of each of the different production lines supplying the transaction data to the database (Fig. 1, 10). Lu discloses the system as in claim 1, and further comprising: the database recording a tool reserve to move the lot ID to a reserved tool of a different production line for the next process step (col. 5 and 6, lines 52-67 and 1-7).

Lu discloses a method for manufacturing capacity utilization with a unified MES, comprising the steps of checking capacity utilization status of multiple tools for performing the next process step on a manufacturing lot (col. 5, lines 35-61); reserving one of the tools to perform the next process step (col. 5, lines 36-50); transferring the manufacturing lot from a current production line to a backup production line having the reserved one of the tools; and performing the next process step in the backup production line, and collecting process data and measurement data, which correspond to the MES rules of the current production line (col. 6, lines 14-36).

Referring to claims 7 and 8, Lu discloses the method as in claim 6, further comprising the step of: storing the process data and manufacturing data of the manufacturing lot in the current production line MES (Fig. 1, 10). Lu discloses the method as in claim 6, further comprising the steps of: defaulting the manufacturing lot to the next tool in the backup production line for the next process step (col. 10, lines 5-20).

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Referring to claims 9 and 10, Lu discloses the method as in claim 6, further comprising the steps of: defaulting the manufacturing lot to the next tool in the backup production line for the next process step; checking the capacity utilization of all tools to perform the next process step; and reserving a selected one of the tools in a different backup production line to perform the next process step (col. 10, lines 5-20). Lu discloses the method as in claim 6, further comprising the steps of defaulting the manufacturing lot to the next tool in the backup production line for the next process step; checking the capacity utilization of all tools to perform the next process step; and reserving the tool of the current production line to perform the next process step (col. 10, lines 5-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

August 8, 2004

Albert W. Paladini 8-9-04
ALBERT W. PALADINI
PRIMARY EXAMINER

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